

# Exhibit B

1           IN THE UNITED STATES DISTRICT COURT  
2           FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
3                           SOUTHERN DIVISION

4   GARY BRICE McBAY,  
5       Plaintiff,

6   VERSUS                   CIVIL ACTION NO: 1:07cv1205LG-RHW

7  
8   HARRISON COUNTY, MISSISSIPPI,  
9   by and through its Board of  
10   Supervisors; HARRISON COUNTY  
11   SHERIFF, George Payne, in his  
12   official capacity; CORRECTIONS  
13   OFFICER MORGAN THOMPSON,  
14   acting under color of state law,  
15       Defendants.

16                   DEPOSITION OF REGINA L. RHODES

17   Taken at the offices of Brown Buchanan,  
18   P.A., 796 Vieux Marche' Mall, Suite 1,  
19   Biloxi, Mississippi, on Thursday,  
20   September 17, 2009, beginning at 2:22  
21   p.m.

22   APPEARANCES:

23   PATRICK R. BUCHANAN, ESQUIRE  
24   MARK V. WATTS, ESQUIRE  
25   Brown Buchanan, P.A.  
26   796 Vieux Marche' Mall, Suite 1  
27   Biloxi, Mississippi 39530  
28       ATTORNEYS FOR PLAINTIFF

29   JOE C. GEWIN, ESQUIRE  
30   Dukes, Dukes, Keating & Faneca, P.A.  
31   2909 13th Street, Sixth Floor  
32   Gulfport, Mississippi 39501  
33       ATTORNEY FOR GEORGE PAYNE, JR.

1 Center. I'm going to call it the jail just  
2 because I don't want to say four words instead of  
3 one word, frankly. So when I say "jail," can we  
4 understand that I'm referring to the Harrison  
5 County --

6 A. Yes, sir.

7 Q. -- Detention Center?

8 All right. When you worked there, are  
9 you familiar with the term "brother by a different  
10 mother," the phrase?

11 A. Yes, sir.

12 Q. What's that mean to you?

13 A. Well, basically, we shortened it,  
14 brother from another mother. It was just to  
15 explain the closeness between the folks that  
16 worked at the jail.

17 Q. All right. The correction officers that  
18 worked together?

19 A. Yes, sir.

20 Q. And y'all were close and relied on each  
21 other and depended on each other?

22 A. Yes, sir.

23 Q. All right. Have you heard the term "red  
24 light, green light"?

25 A. Yes, sir.

1 Q. Was that a phrase that was used in  
2 booking?

3 A. Yes, sir, it was.

4 Q. Tell us what that phrase means to you.

5 A. Red light would be the facial area,  
6 anything that you -- you weren't supposed to hit  
7 anything that would show on a booking photo, and  
8 green light would be the rest of the body.

9 Q. All right. And how did y'all come to  
10 use red light, green light and determine where you  
11 should and shouldn't hit?

12 A. Well, after Deputy Thompson had a  
13 particularly bad booking shot of an inmate named  
14 Only, OIC Teel had a impromptu meeting with our  
15 shift in the back of booking and inmate records  
16 and said that red light, green light -- you know,  
17 that the chief was -- the chief, Captain Gaston,  
18 was upset about the booking photo and that we  
19 needed to be more careful.

20 Q. All right. Be more careful where you  
21 hit people?

22 A. Yes, sir.

23 Q. Okay. So it's okay to hit folks just as  
24 long as it didn't show up on the booking photo?

25 MR. GEWIN:

1 Object to leading.

2 MS. YOUNG:

3 Object to the form.

4 MR. BUCHANAN:

5 Q. Subject to the objection, did you hear  
6 my question?

7 A. Yes, sir, I did.

8 Q. Okay. So it was okay to hit people as  
9 long as it didn't show up on the booking photo?

10 A. Yes, sir.

11 Q. People in booking, I mean, there are  
12 different legal terms for them, inmates, detainees  
13 and all of that. I'm going to call them inmates  
14 just for sake of ease again, not necessarily  
15 subscribing any legal terms or get you to give me  
16 legal opinions on the different rights owed to an  
17 inmate versus a detainee and all of that. Okay?  
18 Was it common, in your experience when you were  
19 there, for inmates that were brought in there to  
20 be taunted by the correction officers?

21 A. Yes, sir.

22 Q. Tell us about that.

23 A. If the inmate came in and was either  
24 running their mouth or, you know, belligerent in  
25 any way, you know, even if they weren't sometimes,

1 the officers would start picking on them, taunting  
2 them, you know, if -- in particular, if somebody  
3 was looking at you, you know, looking at you hard,  
4 you know, you might say if you're feeling froggy  
5 jump or, you know, you're looking at me like you  
6 want to hit me, go ahead, stuff to that effect.

7 Q. Did you hear Officer Teel ever taunt  
8 inmates?

9 A. Yes, sir.

10 Q. Did you hear Officer Thompson ever taunt  
11 inmates?

12 A. Yes, sir.

13 Q. Did you hear Officer Wills ever taunt  
14 inmates?

15 A. Yes, sir.

16 Q. How about Officer Stolze, did he ever  
17 taunt the inmates?

18 A. Yes, sir.

19 Q. And Officer Thompson has pled guilty to  
20 charges arising out of his employment there at the  
21 jail and is serving time?

22 A. Yes, sir.

23 Q. All right. And the same with Officer  
24 Stolze?

25 A. Yes, sir.

1 Q. And Officer Priest?

2 A. Yes, sir.

3 Q. And Officer Wills?

4 A. Yes, sir.

5 Q. All right. Folks that would come in who  
6 had been drinking, were they more apt to be  
7 taunted by these officers?

8 A. To me, I would say they appeared to be.

9 Q. And why is that?

10 A. They were easier targets.

11 Q. Give me one minute real quick. Let me  
12 jump -- and I hate to jump around on you, but I  
13 need to ask a couple of questions before I ask  
14 some other questions. So let me go back to  
15 Exhibit 1. On Page 3 of Exhibit 1, it says that,  
16 While she, being you, were assigned to the booking  
17 area, you observed Teel and other corrections  
18 officers engage in a pattern of physical abuse of  
19 inmates at the jail. Is that a true statement?

20 A. Yes, sir.

21 Q. All right. More specifically, Teel and  
22 other correction officers routinely participated  
23 in striking, punching, kicking, choking and  
24 otherwise assaulting inmates in circumstances that  
25 did not justify the use of force. Is that a true

1 statement?

2 A. Yes, sir, it is.

3 Q. Those things, that pattern, that  
4 practice of abuse, did that happen -- I mean, did  
5 it happen just on one day during the time you were  
6 there or did it happen for a long period of time  
7 while you were employed there?

8 A. It was almost daily while I was employed  
9 there.

10 Q. All right. It said, Teel regularly  
11 encouraged other correction officers regarding  
12 their involvement in this conduct. Is that a true  
13 statement?

14 A. Yes, sir, it is.

15 Q. Meaning he did things and he got the  
16 other officers involved in the things -- the  
17 assault on the inmates?

18 A. Yes, sir.

19 Q. All right. Additionally, Teel and other  
20 correction officers submitted false, incomplete,  
21 and misleading jail reports for the purpose of  
22 covering up these assaults. Is that a true  
23 statement?

24 A. Yes, sir.

25 Q. All right. And it says you were aware



1 that Teel and other correction officers were  
2 submitting false and incomplete and misleading  
3 reports to cover up the uses of unnecessary force  
4 and failed to report their criminal conduct. Is  
5 that a true statement?

6 A. Yes, sir, it is.

7 Q. All right. Those things that I just  
8 read in that paragraph, do those things apply to  
9 Officer Stolze?

10 A. Yes, sir.

11 Q. Do they apply to Officer Priest?

12 A. Yes, sir.

13 Q. Do they apply to Officer Teel?

14 A. Yes, sir.

15 Q. Do they apply to Morgan Thompson,  
16 Officer Thompson?

17 A. Yes, sir.

18 Q. All right. Were you there on the night  
19 the incident happened with Jessie Lee Williams?

20 A. Yes, sir, I was.

21 Q. Before Mr. Williams was beaten to death,  
22 was he taunted by the booking officers?

23 A. Yes, sir, he was.

24 Q. Did Mr. Williams make any comments or  
25 say anything to the booking officers either before

1 or when they were taunting him?

2 MR. BRENDDEL:

3 Object to the form. When you're talking  
4 about booking officers, I want to make sure we  
5 know which booking officers we're talking about..

6 MR. BUCHANAN:

7 Q. Do you recall who was on duty that  
8 night?

9 A. Yes, sir.

10 Q. Who was on duty that night?

11 A. Myself, OIC Teel, and Thompson.

12 Q. Morgan Thompson --

13 A. Yes, sir.

14 Q. -- and Officer Teel? All right. And  
15 did Officer Teel and Officer Thompson taunt  
16 Mr. Williams?

17 A. Yes, sir.

18 Q. Did he say anything to Officer Teel or  
19 Officer Thompson before or when they were taunting  
20 him?

21 A. While he was handcuffed he said he was  
22 going to beat Teel's ass.

23 Q. But he was handcuffed when he said that?

24 A. Yes, sir.

25 Q. And then after Mr. Williams was beat,

1 the nurse was called, right?

2 A. Yes, sir.

3 Q. And the nurse looked at him, said he had  
4 a cut lip, cut ear and his eyes were puffy?

5 A. Yes, sir.

6 Q. And she also said, I believe, that he  
7 didn't need to go to -- he didn't need to go out  
8 for AMR?

9 A. Yes, sir.

10 Q. All right. She said that he was going  
11 to live and be okay?

12 A. Yes, sir.

13 Q. And I asked you this, and it's in your  
14 pleas. So the booking officers would falsify  
15 their reports; is that right?

16 A. Yes, sir.

17 MR. GEWIN:

18 Object to the form.

19 MR. BRENDEN:

20 Object to the form, time.

21 MR. BUCHANAN:

22 Q. I'm trying to look for a page  
23 discreetly, and I'm not having that much luck, so  
24 I apologize. So I'll just tell you that I'm  
25 taking an extra minute here because I can't find

1 the page that I was looking for. There we go.

2 The objection was time. Would it be  
3 fair to say that from when you started in May of  
4 2004 until when you left in April of 2006, the  
5 corrections officers would falsify reports?

6 A. Yes, sir.

7 MR. BRENDDEL:

8 Object to the form, not specifying the  
9 correction officers' names.

10 MR. BUCHANAN:

11 Q. You and I have already talked about the  
12 names of correction officers who falsified  
13 reports, haven't we?

14 A. Yes, sir.

15 Q. Thank you.

16 (Exhibit 2 was marked.)

17 MR. BUCHANAN:

18 Q. Exhibit 2 is the Uniform Booking/Arrest  
19 Form for William David Seal, and I want to talk to  
20 you about that in terms of you weren't on duty  
21 when Mr. Seal was booked into the jail. And let  
22 me ask you this: You're aware that there are  
23 cameras in the jail, right --

24 A. Yes, sir.

25 Q. -- showing different areas of the

1 A. Yes.

2 Q. All right. Can we roll forward? All  
3 right. What I want you to do here is, if you  
4 would, watch the square, the right hand -- in the  
5 right-hand corner and -- yeah, can you back that  
6 up for me a little bit? All right. Stop. All  
7 right. We're at 20:42:33, and you're watching the  
8 right-hand, lower right-hand corner square.

9 A. Yes, sir.

10 Q. And did you see -- stop it. At 20 -- it  
11 looks like 20:43:14 or a little bit before. I  
12 mean, obviously there's a fuzzy line at the  
13 bottom, and the date and time stamp is very hard  
14 to read, isn't it?

15 A. Yes, sir.

16 Q. All right. But did you see that at the  
17 bottom, the legs?

18 A. Yes, sir.

19 Q. Tell us what you saw or what you believe  
20 you saw.

21 A. I believe whichever inmate was standing  
22 there had his feet come out from underneath him.

23 Q. All right. And what type of move would  
24 a correction officer use on an inmate to take them  
25 down to have his feet come out from under him like

1 that?

2 A. A leg sweep.

3 Q. And why would you use a leg sweep?

4 A. If you needed to place an inmate on the  
5 floor quickly if he was being aggressive.

6 MR. GEWIN:

7 Pat, could they back up and show what  
8 you're talking about? I don't see anything in  
9 this particular frame.

10 MR. BUCHANAN:

11 All right. Those are the legs right  
12 there, but, yeah, back up.

13 MR. WATTS:

14 That's the area you have to watch. You  
15 want to back it up?

16 MR. BUCHANAN:

17 Yeah. Back it up, if you can.

18 MR. WATTS:

19 It's there, 20:43:10.

20 MR. BUCHANAN:

21 You missed it, Joe, when you looked down  
22 on your paper.

23 MR. GEWIN:

24 I saw something.

25 MR. BUCHANAN:

1 MR. BUCHANAN:

2 Q. You can answer.

3 A. That he was about to have a physical  
4 altercation with an inmate.

5 Q. So the gloves on, hat backwards meant  
6 that something bad was about to happen?

7 A. Yes, sir.

8 MR. BRENDDEL:

9 Object to the form.

10 MR. BUCHANAN:

11 Q. All right. Go forward. Now, I want you  
12 to watch him with this inmate. And did you see  
13 that?

14 A. Yes, sir.

15 Q. All right. What did you see?

16 A. It appeared that he -- he either hit him  
17 or pushed him down because the inmate fell.

18 Q. Did that look like the inmate was  
19 bending over to take his shoes and socks off?

20 A. No, sir.

21 MR. BRENDDEL:

22 Object to the form, speculation.

23 MR. BUCHANAN:

24 Q. Did that look like the inmate was so  
25 drunk that he couldn't stand up?

1 A. No, sir.

2 MR. BRENDEL:

3 Object to the form.

4 MR. BUCHANAN:

5 Q. Did it look like Officer Thompson  
6 physically took the inmate down?

7 A. Yes, sir.

8 MR. BRENDEL:

9 Object to the form.

10 MR. GEWIN:

11 Can we back up and look at that again?

12 MR. BUCHANAN:

13 Sure.

14 MR. GEWIN:

15 Let's do that.

16 MR. BUCHANAN:

17 And it's 20:50:19 in there. When I get  
18 a clear shot of a time stamp, I try to call it out  
19 for you.

20 MS. YOUNG:

21 And just for the record, the same  
22 objection I stated earlier, that this witness is  
23 not testifying about something she saw when she  
24 was there. She's just giving her opinion as to  
25 what somebody else is doing, which is



1 Q. Tell us what that is.

2 A. That appears to be a stamp from the  
3 shower grate on the booking floor.

4 MR. BRENDDEL:

5 Object to the form.

6 MR. BUCHANAN:

7 Q. All right. And how would inmates get  
8 that kind of stamp?

9 MR. BRENDDEL:

10 Object to the form.

11 A. If they were either thrown to the floor  
12 or when they were on the floor, if they were  
13 kicked into the grate.

14 MR. BUCHANAN:

15 Q. All right. Is that based on your  
16 personal experience and knowledge of what happened  
17 in the jail?

18 A. Yes, sir, it is.

19 Q. All right. Let's take all of this --  
20 well, let me ask you a couple more questions.  
21 Let's do it this way. Let me ask you a couple  
22 more questions about Brice, and then we'll take a  
23 break. Okay?

24 A. Okay.

25 Q. Officer Thompson testified that when he

1 had a discussion with Officer Thompson about that  
2 "X"?

3 A. Yes, I did.

4 Q. In that discussion, did Officer Thompson  
5 tell you that "X" came from Brice's head  
6 contacting the drain in the shower?

7 A. Yes, he did.

8 Q. Based on your training as a correction  
9 officer for the Harrison County Detention Center,  
10 was it okay to use force when people cussed you?

11 A. No.

12 Q. So if a drunk cussed you, you couldn't  
13 take them down, cuff them or do anything else  
14 physical to them?

15 A. No.

16 Q. Or, I guess, you shouldn't?

17 A. Not according to policy.

18 Q. Mr. Gewin talked with you about brachial  
19 plexus stun and if an inmate approached you with a  
20 shank, or a shiv I think was the word he used,  
21 and, you know, could you defend yourself. Exhibit  
22 9 I'm going to show you is Brice's Use of Force  
23 Report. If you could just verify for me -- here  
24 on the first page where it says --

25 A. Active aggression?